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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/644,948
Filing Date: August 19, 2003
Appellant(s): FU, JENNIFER JIE

John P. Wagner, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/01/2008 appealing from the Office action mailed

09/04/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

An amendment subsequent to the Final Office Action mailed 09/04/2008 has been filed in the instant application. This amendment was noted and entered as indicated in the Office Action mailed on 01/28/2009.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Pub. No. US 2002/0052941 A1   Patterson et al.   05-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Objections

1.   Applicant's amendment filed on 12/01/2008 corrects the previous objections; therefore, the objections are withdrawn.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claim 13-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "said plurality of network elements" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 14-25 are rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   **Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Patterson**

(Pub No US 2002/0052941 A1; hereinafter Patterson).

          As to claim 1, Patterson teaches:

          A method for <u>enabling a user to configure</u> a communication network in a graphical user

interface (GUI) display (e.g., see Fig. 3A and [0014], [0185], [0187]; a method of defining and

deploying a networked computer system), comprising:

          <u>configuring</u> at least a portion of said communication network in said GUI display (e.g.,

see [0015], [0093]), including <u>configuring</u> a plurality of network element icons representing a

plurality of network elements and logical connections among said plurality of network elements,

(e.g., see Fig. 3a, [0093], [0097], [0098]) including;

          selecting a first network element icon of said plurality of network element icons for

configuring a first network element of said plurality of network elements (e.g., selecting network

element icon 324C in Fig. 3A for configuring as shown in Fig. 4A), said first network element

represented by said first network element icon (e.g., network element icon 324C; note the user

can view and modify detailed property values for any element within a networked computer

system, see [0053], [0188]),

          ascertaining a first set of properties associated with said first network element (e.g., see

Fig. 4A and [0238]; properties such as name, type, local storage, server group), said first set of

properties being displayed in said GUI display (e.g., see Fig. 4A) and representing properties

available for said first network element in said communication network (e.g., properties such as

name, type, local storage, server group are available for the network element Server),

          associating a subset of said first set of properties with said first network element icon

(e.g., see Fig. 4A and [0238]-[0242]), thereby causing said subset of said first set of properties

to also be associated with said first network element (e.g., the configured values as shown in

Fig. 4A is used to create or modify one or more parameter values pertaining to a server, see

[0238]), said associating a subset of said first set of properties performed by said user (e.g., see

Fig. 4A and [0239]), and

said displaying at least one visual indicator in said GUI display (e.g., label "Server1" for the

network element icon 324C; further see [0235], the changes made to the selected network node

is displayed), said at least one visual indicator being displayed in a visually connected manner

with said first network element icon (e.g., label "Server1" is displayed over/on top of network

element node 324C), said at least one visual indicator visually indicating in said GUI display that

said first set of properties is associated with said first network element in said communication

network (e.g., "Server1", "Firewall1" is associated with network element 324C, 332B; further see

[0245]).

As to claims 11 and 13, Patterson teaches:

A method for enabling a user to configure a communication network in a graphical user

interface (GUI) display (e.g., see Fig. 3A and [0014], [0185], [0187]; a method of defining and

deploying a networked computer system), comprising:

selecting a first network element icon of said plurality of network element icons for

configuring a first network element of said plurality of network elements (e.g., selecting network

element icon 324C in Fig. 3A for configuring as shown in Fig. 4A), said first network element

represented by said first network element icon (e.g., network element icon 324C),

ascertaining a first set of properties associated with said first network element (e.g., see

Fig. 4A and [0238]; properties such as name, type, local storage, server group), said first set of

properties being displayed in said GUI display (e.g., see Fig. 4A) and representing properties

available for said first network element in said communication network (e.g., properties such as

name, type, local storage, server group are available for the network element Server),

associating a subset of said first set of properties with said first network element icon

(e.g., see Fig. 4A and [0238]-[0242]), thereby causing said subset of said first set of properties

to also be associated with said first network element (e.g., the configured values as shown in

Fig. 4A is used to create or modify one or more parameter values pertaining to a server, see

[0238]), said associating a subset of said first set of properties performed by said user (e.g., see

Fig. 4A and [0239]), and

displaying at least one visual indicator in said GUI display (e.g., label "Server1" for the

network element icon 324C), said at least one visual indicator being displayed in a visually

connected manner with said first network element icon (e.g., label "Server1" is displayed

over/on top of network element node 324C), said at least one visual indicator visually indicating

in said GUI display that said first set of properties is associated with said first network element in

said communication network (e.g., "Server1", "Firewall1" is associated with network element

324C, 332B; further see [0245]).

selecting a second network element icon of said plurality of network element icons for

configuring a second network element of said plurality of network elements (e.g., selecting

network element icon 322B in Fig. 3A for configuring as shown in Fig. 4B), said second network

element represented by said second network element icon (e.g., network element icon 322B),

ascertaining a second set of properties associated with said second network element

(e.g., see Fig. 4A and [0248]; properties such as name, type, NAT mapping), said second set of

properties being displayed in said GUI display (e.g., see Fig. 4B) and representing properties

available for said second network element in said communication network (e.g., properties such

as name, type, NAT mapping are available for the network element Firewall),

associating a subset of said second set of properties with said second network element

icon (e.g., see Fig. 4B and [0248]-[0255]), thereby causing said subset of said second set of

properties to also be associated with said second network element (e.g., the configured values

as shown in Fig. 4B is used to create or modify one or more parameter values pertaining to a

firewall, see [0438]), said associating a subset of said second set of properties performed by

said user (e.g., see Fig. 4B and [0249]), and

displaying at least another visual indicator in said GUI display (e.g., label "Firewall1" for

the network element icon 322B), said at least another visual indicator being displayed in a

visually connected manner with said second network element icon (e.g., label "Firewall1" is

displayed over/on top of network element node 322B), said at least another visual indicator

visually indicating in said GUI display that said second set of properties is associated with said

second network element in said communication network, said at least another visual indicator

being displayed simultaneously with said at least one visual indicator in said GUI display (e.g.,

"Server1", "Firewall1" is associated with network element 324C, 332B; further see Fig. 3A and

[0245]).

As to claim 15, Patterson teaches said visually indicating that said first set of properties

is associated with said first network element and said visually indicating said second set of

properties is associated with said second network element in said communication network (e.g.,

'Firewall1' is associated with network element icon 322B, 'Internet1' is associated with icon

320B, see Fig. 3A) occur in the same window of said GUI display (e.g., workspace 312 in Fig.

3A).

As to claims 2, 14, 16, Patterson teaches wherein said at least one visual indicator includes a visual icon other than said first network element icon (e.g., see network element icon 322B in Fig. 3A and icon 322 in Fig. 3B).

As to claims 3 and 17, Patterson teaches said at least one visual indicator includes a different color for said first network element icon said different color being different from a default color that exists if said first set of properties is not associated with said first network element in said communication network (e.g., see network element icon 322B in Fig. 3A and icon 322 in Fig. 3B).

As to claims 4 and 18, Patterson teaches said at least one visual indicator includes a different shading for said first network element icon, said different shading being different from a default shading that exists if said first set of properties is not associated with said first network element in said communication network (e.g., see network element icon 322B in Fig. 3A and icon 322 in Fig. 3B).

As to claims 5 and 19, Patterson teaches said at least one visual indicator includes a different background color for said first network element icon, said different background color being different from a default background color that exists if said first set of properties is not associated with said first network element in said communication network (e.g., see network element icon 322B in Fig. 3A and icon 322 in Fig. 3B).

As to claims 6 and 20, Patterson teaches said at least one visual indicator includes textual information pertaining to said first network element icon, said textual information being different from textual information, if any, that exists if said first set of properties is not associated

with said first network element in said communication network (e.g., see network element icon

322B in Fig. 3A and icon 322 in Fig. 3B).

As to claims 7 and 21, Patterson teaches said at least one visual indicator includes a

different texture for said first network element icon, said texture being different from a default

texture that exists if said first set of properties is not associated with said first network element in

said communication network (e.g., see Fig. 5).

As to claims 8 and 22, Patterson teaches said at least one visual indicator represents a

different shape for said first network element icon, said different shape being different from a

default shape that is displayed if said first set of properties is not associated with said first

network element in said communication network (e.g., see network element icon 322B in Fig.

3A and icon 322 in Fig. 3B).

As to claims 9 and 23, Patterson teaches said at least one visual indicator represents a

different size for said first network element icon, said different size being different from a default

size that is displayed if said first set of properties is not associated with said first network

element in said communication network (e.g., see network element icon 322B in Fig. 3A and

icon 322 in Fig. 3B).

As to claims 10 and 24, Patterson teaches said first network element is one of a server

(e.g., network element icon 324 C-D, see Fig. 3A), a subnet (e.g., icon 326 B-C), a firewall (e.g.,

icon 322B), a VPN (e.g., icon 330B) and a load balancer (e.g., icon 328B).

As to claims 12 and 25, Patterson further wherein said communication network

represents a logical network constructed from a common pool of network elements (e.g., see

[0020]).

(10) Response to Argument

I.   **Independent Claim 1**

a)   Appellants argue that the prior art of Patterson does not disclose "selecting a first

network element icon of said plurality of network element icons for configuring a first network

element of said plurality of network elements" (Appeal Brief dated 12/01/2008 page 9,

paragraph 2).

         In response, the examiner respectfully disagrees. Patterson clearly discloses a

communication network in a graphical user interface (GUI) (e.g., see Fig. 3A, [0015], [0093],

[0220]; wherein graphical icons displayed on the GUI represents logical elements and physical

elements of the networked computer system; for example, Internet icon 320B is coupled to a

firewall 322B). Particularly, Patterson discloses the limitation of "selecting a first network

element icon of said plurality of network element icons for configuring a first network element of

said plurality of network elements" (e.g., see Figs. 3A, 4A, [0233], [0234], [0237], [0038];

wherein network element icon 324C is selected for configuration of one or more parameter

values and wherein the configuration dialog is displayed in response to the user selecting the

icon 324C for configuration). Therefore, Appellant's assertion that Patterson does not disclose

the limitation "selecting a first network element icon of said plurality of network element icons for

configuring a first network element of said plurality of network elements" is factually incorrect.

b)   Appellants argue that the prior art of Patterson does not disclose "associating a subset of

said first set of properties with said first network element icon, thereby causing said subset of

said first set of properties to also be associated with said first network element, said associating

a subset of said first set of properties performed by said user" (Appeal Brief dated 12/01/2008

page 9, paragraph 2).

In response, the examiner respectfully disagrees. Patterson clearly discloses that each
network node displayed in the GUI requires configuration of one or more parameter values (e.g.,
see [0233]). The parameter values comprise Name, Default Gateway, Notes and other specific
parameter values that are configured for particular nodes (e.g., see [0233]; wherein a set of
certain common parameter values are interpreted as a first set of properties). Patterson
discloses associating a subset of said first set of properties with said first network element icon
(e.g., see Fig. 4A, [0238]-[0242]; wherein a Name property value and/or a Default Gateway
property value of the selected icon 324C can be configured; thereby, associating a configured
Name property and/or Default Gateway property to the network element 324C). Patterson
further discloses "thereby causing said subset of said first set of properties to also be associated
with said first network element" (e.g., the configured values as shown in the configuration dialog
Figure 4A is used to create or modify one or more parameter values pertaining to a server, see
[0238]; wherein the server is a first network element associating with first network icon 324C).
Patterson further discloses the associating a subset of said first set of properties performed by
said user (e.g., see Figs. 3A, 4B, [0015], [0233]; wherein the user can select a graphical icon in
the GUI for further configuration). In conclusion, contrary to what Appellant's assertion, the prior
art of Patterson discloses "associating a subset of said first set of properties with said first
network element icon, thereby causing said subset of said first set of properties to also be
associated with said first network element, said associating a subset of said first set of
properties performed by said user" as well.

c)   Appellants argue that the prior art of Patterson does not disclose "displaying at least one
visual indicator in said GUI display, said at least one visual indicator being displayed in a
visually connected manner with said first network element icon, said at least one visual indicator
visually indicating in said GUI display that said subset of said first set of properties is being

associated with said first network element in said communication network"" (Appeal Brief dated

12/01/2008 page 9, paragraph 2).

In response, the examiner respectfully disagrees. Patterson teaches displaying at least

one visual indicator in said GUI display (e.g., see Figs. 3A, 4A and [0235]; wherein the changes

made to the selected network node is displayed in the GUI; the examiner interprets the changes

made to the selected network node is visual indicator; for examiner, the textual indication of the

name change is displayed in the GUI with label "Server1" for the network element icon 324C).

Patterson clearly teaches said at least one visual indicator being displayed in a visually

connected manner with said first network element icon (e.g., label "Server1" is displayed

over/on top of network element node 324C; thus, the textual indicator of the name change is

displayed in a visually connected manner with the icon 324C). Patterson teaches said at least

one visual indicator visually indicating in said GUI display that said first set of properties is

associated with said first network element in said communication network (e.g., see Figs. 3A,

[0245]; wherein "Server1", "Firewall1" is associated with network element 324C, 332B

representing Server element and Firewall element). Therefore, the examiner concludes that the

prior art of Patterson teaches the claimed limitation.

d)   Appellants argue that "a Node Status Display that users colors" disclosed by Patterson is

not "configuring a first network element" and "at least one visual indicator visually indicating in

said GUI display that said subset of said first set of properties is being associated with said first

network element in said communication network" (Appeal Brief dated 12/01/2008 page 9,

paragraph 3).

In response, the examiner respectfully disagrees and directs the Appellants to the fact

that arguing that the cited prior art reference teaches additional features or unrelated

embodiments, does nothing to address the evidence relied upon in support of the rejection. In

this case, the examiner relied on different features and/or embodiments in the prior art of

Patterson for the disclosure of "configuring a first network element" and "at least one visual

indicator visually indicating in said GUI display that said subset of said first set of properties is

being associated with said first network element in said communication network" as set forth in

the foregoing rejection of claim 1 and the examiner further incorporates the response presenting

in c).

e)   Appellants argue that "logical elements of the networked computer system is displayed"

as disclosed by Patterson is not "associating a subset of said first set of properties with said first

network element icon, thereby causing said subset of said first set of properties to also be

associated with said first network element, said associating a subset of said first set of

properties performed by said user" and "at least one visual indicator visually indicating in said

GUI display that said subset of said first set of properties is being associated with said first

network element in said communication network" (Appeal Brief dated 12/01/2008 page 10,

paragraph 2).

        In response, the examiner respectfully disagrees and again directs the Appellants to the

fact that arguing that the cited prior art reference teaches additional features or unrelated

embodiments, does nothing to address the evidence relied upon in support of the rejection. The

examiner relied on different features and/or embodiments in the prior art of Patterson for the

disclosure of "associating a subset of said first set of properties with said first network element

icon, thereby causing said subset of said first set of properties to also be associated with said

first network element, said associating a subset of said first set of properties performed by said

user" as set forth in the foregoing rejection of claim 1 and the examiner further incorporates the

response set forth in b). The examiner relied on different features and/or embodiments in the

prior art of Patterson for the disclosure of "at least one visual indicator visually indicating in said

GUI display that said subset of said first set of properties is being associated with said first

network element in said communication network" as set forth in the foregoing rejection of claim

1 and the examiner further incorporates the response set forth in b)

II.   **Independent Claim 13**

The appellants similarly repeat the arguments that the cited prior art of Patterson do not

disclose "selecting a first network element icon of said plurality of network element icons for

configuring a first network element of said plurality of network elements," "associating a subset

of said first set of properties with said first network element icon, thereby causing said subset of

said first set of properties to also be associated with said first network element, said associating

a subset of said first set of properties performed by said user" and "displaying at least one visual

indicator in said GUI display, said at least one visual indicator being displayed in a visually

connected manner with said first network element icon, said at least one visual indicator visually

indicating in said GUI display that said subset of said first set of properties is being associated

with said first network element in said communication network." (Appeal Brief dated 12/01/2008

page 10, paragraph 3)

In response, the examiner incorporates the foregoing response with respect to claim 1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/TuyetLien T Tran/
Examiner, Art Unit 2179

Conferees:

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